

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Lucent's Third Supplement to Petition for	)	WC Docket No. 02-147
	)	
Declaratory Ruling on State Consumer	)	
Protection Laws as They Relate to	)	
AT&T/Lucent Leasing of Customer Premises	)	
Equipment	)	

**ORDER**

**Adopted:** August 12, 2002

**Released:** August 12, 2002

**Revised Filing Date:**

**Reply Comments Due: November 22, 2002**

By the Associate Chief, Wireline Competition Bureau:

1. On June 28, 2002, the Wireline Competition Bureau released a Public Notice requesting comments and reply comments on Lucent Technologies Inc.'s (Lucent's) Third Supplement to its original Motion for Declaratory Ruling concerning the application of state consumer protection laws to the leasing of certain customer premises equipment (CPE) by AT&T and Lucent.<sup>1</sup> On August 12, 2002, Lucent and Charles Sparks and Margaret Little, individually and on behalf of the plaintiff class in *Sparks v. AT&T Corp.*, Case Nos. 96-LM-983, 01-L-1668 (Ill. 3d Jud. Cir.) (Plaintiffs) filed a joint motion asking the Commission to extend the reply comment date, currently scheduled for August 13, 2002, and defer all further action in this proceeding in light of a preliminary Settlement Agreement entered into by the parties on August 9, 2002.<sup>2</sup> This Agreement will become final if approved following the Illinois court's fairness hearing currently scheduled for November 4, 2002.<sup>3</sup>

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<sup>1</sup> Public Notice, *Comments Sought on Lucent's Third Supplement to Petition for Declaratory Ruling on State Consumer Protection Laws as They Relate to AT&T/Lucent Leasing of Customer Premises Equipment*, WC Docket No. 02-147, DA 02-1533 (rel. June 28, 2002).

<sup>2</sup> Lucent and Plaintiffs Joint Motion to Extend Reply Comment Deadline and Defer All Further Action, *Lucent's Third Supplement to Petition for Declaratory Ruling on State Consumer Protection Laws as They Relate to AT&T/Lucent Leasing of Customer Premises Equipment*, WC Docket No. 02-147 (fil. August 12, 2002) (Joint Motion).

<sup>3</sup> *Id.* at 2.

2. It is the policy of the Commission that extensions of time are not routinely granted.<sup>4</sup> In this instance, however, the Bureau finds that Lucent and the Plaintiffs have shown good cause for an extension of the deadline for filing reply comments in this proceeding in light of the proposed settlement agreement. Therefore, we find it appropriate to extend the deadline for reply comments to **November 22, 2002**.<sup>5</sup> Interested parties may request a further extension of time if necessary in light of developments in the state litigation. Given the need for immediate action to address the request for the extension of the date for filing reply comments, we will act on the request to defer all further action in this proceeding at a later date.

3. All other comment filing procedures previously established in this proceeding remain unchanged. For further information contact Janice Myles, Wireline Competition Bureau, Competition Policy Division, 202-418-1577.

FEDERAL COMMUNICATIONS COMMISSION

Richard D. Lerner  
Associate Chief, Wireline Competition Bureau

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<sup>4</sup> 47 C.F.R. § 1.46(a).

<sup>5</sup> In order to avoid confusion, we have chosen to extend the date for reply comments to a date certain rather than adopt the exact approach requested in the Joint Motion.